

INDIANA PHYSICAL THERAPY COMMITTEE

MINUTES

DECEMBER 6, 2006

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. Mary Bennett called the meeting to order at 10:08 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, IN 46204 and declared a quorum.

Board Members Present:

Mary Bennett, PT, Member
Patricia Wilkins, Member
Maria Fletcher, MD, Member
Deborah Reed, PT, Member (arrived at 10:16 a.m.)
Megan Certo, PT, Member

Board Members Absent:

None

State Officials Present:

Jayma Ellerbrook, Board Director, Indiana Professional Licensing Agency
Jeanette Roberts, Assistant Board Director, Indiana Professional Licensing Agency
Gordon White, Board Advisory Counsel, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

Certo/Fletcher
4/0/0 Motion carried.

III. ADOPTION OF THE MINUTES FROM THE SEPTEMBER 20, 2006 AND OCTOBER 18, 2006 MEETING OF THE COMMITTEE

A motion was made and seconded to adopt the minutes, as amended, from the September 20, 2006 and October 18, 2006 meetings of the committee.

Fletcher/Wilkins
4/0/0 Motion carried.

IV. APPLICATIONS FOR REVIEW

1. Credential Evaluation states not equivalent

A. Stephen Nguyagwa

A motion was made and seconded to send letter to applicant to either withdraw or be denied.

Fletcher/Wilkins
5/0/0 Motion carried.

B. Paula Mayorga

A motion was made and seconded to send letter to applicant to either withdraw or be denied.

Wilkins/Reed
5/0/0 Motion carried.

2. Positive Responses

A. Kenneth Robinson

A motion was made and seconded to require the applicant to appear at the next meeting and bring a letter from his current supervisor and his last two employers.

Fletcher/Reed
5/0/0 Motion carried.

B. Tisha Rodriguez

A motion was made and seconded to approve application.

Reed/Fletcher
5/0/0 Motion carried.

C. John Wogoman

A motion was made and seconded to require the applicant to appear at the next meeting.

Reed/Fletcher
5/0/0 Motion carried.

D. Marc O'Neal

A motion was made and seconded to approve the application.

Reed/Certo
5/0/0 Motion carried.

E. Nicole Schorsch

A motion was made and seconded to approve the application.

Certo/Fletcher
5/0/0 Motion carried.

3. Eligibility Period Expired

A. Jason Mausolf

A motion was made and seconded to deny the application.

Reed/Fletcher
5/0/0 Motion carried.

B. Michael Sahagun

A motion was made and seconded to deny the application.

Reed/Fletcher
5/0/0 Motion carried.

C. Timothy Bronson

A motion was made and seconded to deny the application.

Reed/Fletcher
5/0/0 Motion carried.

4. Renewal Application

A. Julie Ann Pena

Ms. Pena wishes to renew her license but is more than 3 years expired. She has not practiced for 6 years. A motion was made and seconded to require her to retake the exam and allow her to apply for temporary license.

Fletcher/Certo
5/0/0 Motion carried.

V. PROBATIONARY PERSONAL APPEARANCES

1. Dana Miller

Ms. Miller appeared as required by her probationary order.

2. Deborah Pepsak

Ms. Pepsak appeared as required by her probationary order.

VI. ADMINSTRATIVE HEARINGS

A. State of Indiana vs. Jeremy Adam Beasley, PTA, License No. 06003011A

Administrative Cause Number: 2006-PTC-0002

Re: Notice of Proposed Default Hearing

Parties and Counsel Present:

Linda Batten, Deputy Attorney General for the State
Alex Woshansky, Atty.
Jeremy Beasley, PTA

Participating Committee Members:

Mary Bennett, PT, Member
Patricia Wilkins, Member
Maria Fletcher, MD, Member
Deborah Reed, PT, Member
Megan Certo, PT, Member

Witnesses:

Jeremy Beasley, PTA

Case Summary: A complaint was filed on May 31, 2006. A hearing regarding this matter was held on September 20, 2006. The committee issued a Notice of Proposed Default at that meeting. A response to the Notice of Proposed Default was received in a timely manner. The state does not object to the setting aside of the Notice of Proposed Default.

A motion was made and seconded to set aside the Notice of Proposed Default.

Fletcher/Certo
5/0/0 Motion carried.

A motion was made and seconded to place the Respondent on indefinite probation. He can request termination one (1) year from the date of final order. He will need to submit an addictionology report from addictionologist by February 21, 2007. (Staff to get list of approved addictionologist to Respondent) He must submit to urine tests at least quarterly and they can be random. He must submit quarterly reports from his supervisor which will indicate work habits, attendance, and professional competence, at least two weeks prior to the meeting. He must submit quarterly reports from his criminal probation officer and notification from the probation officer when the criminal probation complete. His employer must sign and return copy of order within seven (7) days. He must have on site supervision by a Physical Therapist. He must complete a course of law and ethics with a minimum of 4 clock hours to be approved by the committee prior to him taking it.

Wilkins/Certo
5/0/0 Motion carried.

B. State of Indiana vs. Deborah Pepsak, PT, License No. 05004626A

Administrative Cause Number: 2004-PTC-0001

Re: Modification of Probation

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General for the State
Deborah Pepsak, PT

Participating Committee Members:

Mary Bennett, PT, Member
Patricia Wilkins, Member
Maria Fletcher, MD, Member
Deborah Reed, PT, Member
Megan Certo, PT, Member

Witnesses:

Deborah Pepsak, PTA

Case Summary: Respondent's license is currently on probation. It is also currently expired due to an unpaid tax lien. Respondent is requesting modification of the term that requires her appearance before the Committee on a quarterly basis.

A motion was made and seconded to grant Ms. Pepsak's request to stop appearing before the Committee while her license is expired. She must also have psychiatric visits every 8 weeks and must cause the Psychiatrist to send to the Committee a report of the sessions on a quarterly basis. Appearances before the Committee must resume once her license is renewed.

Fletcher/Reed
5/0/0 Motion carried.

C. State of Indiana vs. Mark Anthony Mayner, PT, License No. 05008964A

Administrative Cause Number: 2006-PTC-0005

Re: Order to Show Cause

Parties and Counsel Present:

Susan Ziel, Atty.
Respondent is not present

Participating Committee Members:

Mary Bennett, PT, Member
Patricia Wilkins, Member
Maria Fletcher, MD, Member
Deborah Reed, PT, Member
Megan Certo, PT, Member

Witnesses:

None.

Case Summary: Respondent's license was issued with a probationary status on June 13, 2006. An Order to Show Cause was issued on November 14, 2006. Ms. Susan Ziel, Attorney, did appear for the respondent however prior to the hearing she withdrew her appearance.

A motion was made and seconded to issue a Notice of Proposed Default.

Fletcher/Certo
5/0/0 Motion carried.

D. State of Indiana vs. Dominic Davis, PTA, License No. 06002678A

Administrative Cause Number: 2006-PTC-0003

Re: Notice of Proposed Default Hearing

Parties and Counsel Present:

Linda Batten, Deputy Attorney General for the State
Respondent is not present

Participating Committee Members:

Mary Bennett, PT, Member
Patricia Wilkins, Member
Maria Fletcher, MD, Member
Deborah Reed, PT, Member
Megan Certo, PT, Member

Witnesses:

None.

Case Summary: Respondent's license was disciplined in the state of Ohio on August 26, 2005. The state filed a complaint against the respondent's license on May 31, 2006. A hearing was set for September 20, 2006 and the respondent did not appear. A Notice of Proposed Default was issued on September 27, 2006. A letter was received from the respondent on December 5, 2006 however it was received outside of the timeframe allowed by the Notice of Proposed Default.

A motion was made and seconded to hold the respondent in default.

Certo/Fletcher
4/0/1 Motion carried.

A motion was made and seconded to issue a \$500 fine to be paid to the Indiana Professional Licensing Agency within 60 days of the final order.

Reed/Fletcher
4/0/01 Motion carried.

E. State of Indiana vs. Steven Douglass, PT, License No. 99023271A

Administrative Cause Number: 2006-PTC-0007

Re: Final Hearing

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General for the State
Respondent not present

Participating Committee Members:

Mary Bennett, PT, Member
Patricia Wilkins, Member
Maria Fletcher, MD, Member

Deborah Reed, PT, Member
Megan Certo, PT, Member

Witnesses:

None

Case Summary: A Petition for Summary Suspension was filed in this matter on October 17, 2006 alleging that the respondent was convicted of a sex crime in 1989 and did not disclose that information on his application. The Committee accepted an agreement for Emergency Suspension on December 6, 2006. A complaint was filed in this matter on November 14, 2006.

A motion was made and seconded to issue a Notice of Proposed Default.

Wilkins/Certo
5/0/0 Motion carried.

A motion was made and seconded to continue the Emergency Suspension for another 90 days.

Reed/Wilkins
5/0/0 Motion carried.

VII. DISCUSSION

A. Probationary Update (Megan Certo)

Everyone seems to be in compliance.

B. Testing Accommodations (Dr. Maria Fletcher)

There were no requested accommodations.

C. Julie Ray Berry, PT

Re: Renewal Application over 3 years expired

A motion was made and seconded to request staff to send Ms. Berry a letter allowing her to withdraw her application or it will be denied.

Certo/Reed
5/0/0 Motion carried.

D. Letter from Healthsouth

The committee will refer Healthsouth back to the rules and statutes, specifically, 844 IAC 6-7-2(e). Mary Bennett will do letter and bring back in March for review by the Committee. The staff will send a letter letting Healthsouth know that it is under advisement.

E. Louisiana PT Newsletter article

The committee reviewed this article.

F. Letter from Wageed Girgis, PT

Re: Request for hearing

A motion was made and seconded to deny his request for hearing.

Certo/Reed
5/0/0 Motion carried.

G. Federation Report

The committee discussed this report.

VIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Physical Therapy Committee adjourned at 3:30 p.m.

Mary Bennett, Chair